

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
AT JACKSON

SHELBY AND WILLIAM BOLES,

Plaintiffs,

CASE NO. : 3:21-cv-600-DPJ-FKB

v.

DUPONT NURSING, INC.,
MICHAEL CROCHET
ABC CORPORATIONS 1-5 AND
JOHN DOES 1-5

Defendants,

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI:

COMES NOW the Defendants, Michael Crochet and Dupont Nursery, Inc. (incorrectly
named Dupont Nursing, Inc.), and respectfully aver as follows:

1. On August 2, 2021, Plaintiffs filed an Amended Complaint against Defendants in
the Circuit Court for Rankin County, Mississippi. A copy of Plaintiffs' Amended Complaint is
attached hereto as **Exhibit A**.

2. Defendant Michael Crochet was served with the Amended Complaint and
Summons in accordance with M.R.C.P. 4 on August 18, 2021, by defense counsel agreeing to
accept service on his behalf. A copy of the email regarding the Summons and Acceptance of
Service is attached hereto as **Exhibit B**.

3. Defendant Dupont Nursery, Inc., was served with the Complaint and Summons in accordance with M.R.C.P. 4 on August 18, 2021, by defense counsel agreeing to accept service on its behalf. A copy of the email regarding the Summons and Acceptance of Service is attached hereto as **Exhibit C**.

4. A copy of the State Court docket is attached and incorporated into this Notice as **Exhibit D**.

5. According to the Complaint, this lawsuit arises out of an automobile accident between the Plaintiffs and the Defendants. See **Exhibit A, Amended Complaint Paragraphs 9-11**.

6. Plaintiffs did not specify damages but based on the allegations and demand of punitive damages, it is more likely than not that Plaintiffs' claim will exceed \$75,000.00. See **Exhibit A, Amended Complaint, Paragraph 36**.

7. At all times material hereto, Plaintiff, Shelby Boles, was and is a citizen and resident of Jacksonville, North Carolina. See **Exhibit A, Amended Complaint Paragraph 1**.

8. At all times material hereto, Plaintiff, William Boles, was and is a citizen and resident of Jacksonville, North Carolina. See **Exhibit A, Amended Complaint Paragraph 2**.

9. At all times material hereto, Defendant, Michael Crochet, was and is a citizen and resident of Plaquemine, Louisiana. See **Exhibit A, Amended Complaint Paragraph 4**.

10. At all times material hereto, Defendant, Dupont Nursery, Inc., was and is a corporation incorporated under the laws of Louisiana with its principal place of business in Louisiana. **Exhibit A, Complaint Paragraph 3**.

11. Diversity of citizenship within the meaning of 28 U.S.C. § 1332 exists in this case since:

- (a) Plaintiffs are citizens and residents of the State of North Carolina; and
- (b) Defendants are citizens or residents of the State of Louisiana.

12. Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this Notice, such that Defendants are entitled to removal pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

13. It has been less than thirty (30) days since the last Defendant was served with the Summons and Complaint.

14. Defendants remove the above-captioned action, now proceeding in the Circuit Court for Rankin County, Mississippi, to this Honorable Court pursuant to 28 U.S.C. § 1446.

WHEREFORE, Defendants, Michael Crochet and Dupont Nursery, Inc., pray that the above-captioned action, now pending in the Circuit Court of Rankin County, be removed to this Honorable Court.

Respectfully submitted,

LEITNER, WILLIAMS, DOOLEY &
NAPOLITAN, PLLC

/s/ W. David Darnell
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been served via U.S. Mail, postage prepaid, and/or via electronic mail, upon the following counsel:

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This the 16th day of September 2021.

/s/ W. David Darnell
Tracy A. Overstreet
W. David Darnell